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CF/1001

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION No. 1782 OF 2003

PETITIONER: M.P.Nagdeo, aged about 44 years, son of Sri Bahaddur Ram, Assistant Veterinary Area Officer, Veterinary Hospital, Turna, dist. ~~Ambikapur~~(C.G)

P. R. No. 1626/03
Presented by Shri Sheelendra Singh
dated 12.06.03

Sa 29498

Vs.

RESPONDENTS :

1. State of Chhattisgarh: Through: Secretary, Veterinary Department, D.K. Bhawan, Raipur (C.G).

2. Deputy Director, Veterinary Services, Ambikapur (C.G).

3. Janardhan Dubey, Assistant Veterinary Area Officer, Veterinary Hospital, Kedma, dist. Ambikapur (C.G).

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTTUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.No. 1782 सन् 2003

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29.3.2005

Smt. Anju Ahuja, counsel for the petitioner.

Shri Akhil Agrawal, Panel Lawyer for the State/respondents no.1 and 2.

None for respondent no.3.

I.A.No.5354 of 2003 for urgent hearing is allowed.

The petitioner has challenged the validity of order dated 24.2.2003 (Annexure P-1) by which he was directed to discharge his duties in Veterinary Hospital at Kedma. The impugned order shows that respondent no.3 who was working at Kedma was also directed to discharge his duties in Veterinary Hospital Turna that is to say that the places of duties of both the petitioner as well as respondent no.3 have been changed by the impugned order *vice versa*. This petition came up for hearing before this Court on 23.6.2003. The Deputy Advocate General took notices on behalf of respondents no.1 and 2 whereas the notices were sent to respondent no.3. So far as the State is concerned, no return has been filed till date. Respondent no.3 is also unrepresented though he has been served.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P. 1782 सन् 2003

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Learned counsel for the petitioner submits that the village Kedma is at distance of 50 Kms. from village Turna and if the service of the petitioner was required at village Kedma, a clear order of transfer should have been passed by the State authorities in this regard. Merely saying that from a particular date, the petitioner will discharge his duties in veterinary hospital Kedma and the person working in veterinary Hospital Kedma (respondent no.3) will discharge his duties in veterinary hospital Turna will not be sufficient. This action on the part of the State Authority is not in accordance with law as the person cannot be directed to discharge his duties permanently other than his original place of posting unless a valid order of transfer is issued for the same. Learned counsel for the State is not in a position to defend this order of the State. However, he submits that the order is of the year 2003 and what is the position now is not know to him. Even after giving the opportunity to the State if reply is not filed then this Court is left with no option except to pass an order on the basis of documents available on record.	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.(S)/1787/2003 **सन्** **2003**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
/Rao/	The document Annexure P-1 dated 24.2.2003 on the face of it shows that it is not an order of transfer whereas the petitioner as well as respondent no.3 have been directed to work at different places *vice versa*. Since these places are at some distance and are different establishments (different hospitals) then this could not have been done unless an effective order of transfer is issued by the State. This order cannot be said to be an appropriate action by the authorities of the State. The impugned order is set aside. The petition is allowed. C.C. as per rules. **Sd/-** **Sunil Kumar Sinha** **Judge**	

(पीछे देखिये)